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July 10, 2024

Via Email: rkopcienski@cuyahogacounty.us

Rebecca Kopcienski, Director
Cuyahoga County Personnel Review Commission
9830 Lorain Avenue
Cleveland OH 44102

Re: Proposed Ordinance Amending Section 303.01 of the Cuyahoga County Code

Dear Director Kopcienski,

Please accept this correspondence as notice that the County Executive and Department of Human Resources (Human Resources) has submitted for inclusion on County Council's July 16, 2024 agenda a proposed Ordinance amending Section 303.01 of the Cuyahoga County Code.

The County Executive and Human Resources seek to amend Section 303.01 of the County Code as follows:

(Added language is underlined; deleted language is noted with ~~striketrough~~, sub-sections that remain unchanged in their entirety are noted in italics and parentheses).

Section 303.01

- A. *(remains in its entirety)*
- B. Classification Plan. *(remains in its entirety)*
- C. Position Audits.
 - (1) *(remains in its entirety)*
 - (2) *(remains in its entirety)*
 - (3) *(remains in its entirety)*
 - (4) *(remains in its entirety)*
 - (5) *(remains in its entirety)*
 - (6) *(remains in its entirety)*
 - (7) *(remains in its entirety)*

- (8) Following a final determination of the Director of Human Resources pursuant to Subsections (C)(1), (C)(2), or ~~(D)~~, a non-bargaining, non-probationary employee may file a written appeal with the Personnel Review Commission in accordance with the Personnel Review Commission's Administrative Rules. Employee's may also file an appeal to the limited extent authorized by (C)(6).
- (9) *(remains in its entirety)*
- (10) ~~Assignment of Current Employees Who Were Not Previously Classified. The Director of Human Resources may assign a County employee who has not previously been assigned to a classification in the classification plan. An employee who has received an assignment pursuant to this Subsection is not required to serve a new probationary period.~~

D. The Director of Human Resources may assign a County employee who ~~has~~is not ~~currently~~ previously been assigned to a classification in the classification plan; **provided that, if the current rate of pay of an employee assigned to a position under this subsection exceeds the maximum rate of pay for the employee's newly assigned classification, the employee shall be placed in pay step "X" and shall not receive an increase in rate of pay until the maximum rate of pay for that classification exceeds the employee's rate of pay. When the maximum rate of pay for the classification exceeds the employee's rate of pay, the employee is no longer placed at pay step X and may receive an increase in rate of pay up to the maximum rate of pay for that classification. Pay determinations made by the Director under this subsection shall not be arbitrary or capricious and shall be based on the relevant factors identified in Subsection (C)(5).** An employee who has received an assignment pursuant to this Subsection is not required to serve a new probationary period.

~~D~~E. To ensure pay equity for like positions, the Personnel Review Commission may conduct audits of final pay determinations pursuant to (B)(3), and of final pay determination made pursuant to (C)(5) where appeal rights have expired and there is no pending appeal. When such an audit is conducted, the Department of Human Resources shall provide the Commission with the rationale and supporting documentation for the Director's final pay determination. The Commission shall provide reports on its audit findings to the Administration and County Council. Nothing in this provision shall require the Commission's audit of pay determinations within like positions to be restricted or limited solely to those employees whose pay is affected by final pay determinations as a result of maintenance of the class plan or the position audit process, but the Personnel Review Commission will not consider in its audit any employees with a pending appeal related to C (5).

124.34 *(remains in its entirety)*

The amendment to Section 303.01 as indicated above will allow the Director of Human Resources to reassign employees who are not currently serving in a classification within the County's classification

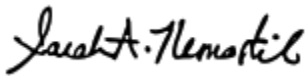
Rebecca Kopcienski
July 10, 2024
Page 3 of 3

plan to such a classification without a reduction in pay if their current pay is outside of the paygrade for the assigned classification.

I respectfully request that the PRC consider the proposed amendment to Section 303.01 for submission of a recommendation or a Statement of Non-Endorsement to Cuyahoga County Council.

Thank you in advance for your consideration. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Sarah A. Nemastil". The signature is written in a cursive, flowing style.

Sarah A. Nemastil
Director of Human Resources
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